

**Matter of Donald J. Trump v Hon. Arthur F. Engoron, J.S.C.**

Motion No: 2023-04028

Slip Opinion No: 2023 NY Slip Op 74254(U)

Decided on September 28, 2023

Appellate Division, First Department, Motion Decision

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This motion is uncorrected and is not subject to publication in the  
Official Reports.

**Supreme Court of the State of New York**  
**Appellate Division, First Judicial Department**

PRESENT: Hon. Troy K. Webber,  
David Friedman  
Lizbeth González  
Manuel J. Mendez  
Martin Shulman,

Justice Presiding,

Justices.

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In the Matter of the Application of

Motion No. 2023-04028

Case No. 2023-04580

Donald J. Trump, Donald Trump, Jr., Eric  
Trump, Allen Weisselberg, Jeffrey  
McConney, The Donald J. Trump Revocable  
Trust, The Trump Organization, Inc., The  
Trump Organization, LLC, DJT Holdings  
LLC, DJT Holdings Managing Member,  
Trump Endeavor 12 LLC, 401 North Wabash  
Venture LLC, Trump Old Post Office LLC, 40  
Wall Street LLC, and Seven Springs, LLC,  
Petitioners,

For a Judgment Pursuant to Article 78  
of the Civil Practice Law and Rules,

-against-

The Honorable Arthur F. Engoron, J.S.C.,  
and the People of the State of New York by  
Letitia James, Attorney General of the State  
of New York,

Respondents.

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A petition having been filed with this Court on September 14, 2023, seeking a writ of mandamus (1) directing that respondent The Honorable Arthur F. Engoron render a determination as to the scope of the claims to be tried in the underlying action entitled *People v Trump et al.*, New York County Index No. 452564/22, and (2) finding that said respondent's decision to proceed with the trial in said action, without taking certain steps that are alleged to be necessary to comply with the decision and order of this Court entered on June 27, 2023, is in excess of Supreme Court's jurisdiction,

And petitioners having moved for a stay of the trial in the underlying action, pending the hearing and determination of the aforesaid proceeding,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion for a stay of trial is denied; the interim relief granted by a Justice of this Court entered on September 14, 2023, is hereby vacated.

ENTERED: September 28, 2023

A handwritten signature in black ink, reading "Susanna Molina Rojas". The signature is fluid and cursive, with the first name "Susanna" being more prominent and the last name "Rojas" following in a similar style.

Susanna Molina Rojas  
Clerk of the Court